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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

December 22, 1999

Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

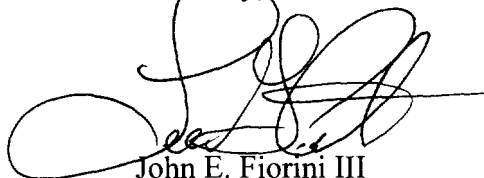
**Re: Comments of Emmis Television License Corporation of Mobile
Amendment of Section 73.622(b)-Table of Allotments – Digital
Television Broadcast Stations (Panama City, Florida)
MM Docket No. 99-318, RM-9745**

Dear Ms. Salas:

Transmitted herewith, on behalf of Emmis Television License Corporation of Mobile, is an original and four (4) copies of its Comments in the above-referenced rulemaking proceeding.

Should there be any questions, please contact undersigned counsel.

Sincerely,



John E. Fiorini III
Lee G. Petro

Enclosures

DC01/321481.1

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

<i>In re:</i>	}	
	}	
Amendment of Section 73.622(b)	}	MM Docket No. 99-318
Table of Allotments, Digital	}	RM-9745
Television Broadcast Stations.	}	
<u>(Panama City, Florida)</u>	}	

TO: CHIEF, VIDEO SERVICES DIVISION

COMMENTS

Pursuant to Sections 1.415 and 1.420 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.420 (1998), Emmis Television License Corporation of Mobile ("Emmis"), the licensee of Station WALA(TV), Mobile, Alabama, hereby submits these Comments with respect to the proposed amendment of the DTV Table of Allotments to substitute DTV Channel 9 for DTV Channel 29 at Panama City, Florida. This proposal was set forth in a Petition for Rulemaking ("Petition") submitted by Waitt License Company of Florida, Inc. ("Waitt") on June 24, 1999, and proposed in the *Notice of Proposed Rulemaking* in the above-captioned proceeding, DA 99-2303 (rel. Nov. 1, 1999) ("NPRM"). Waitt filed supportive comments on November 9, 1999.

As discussed more fully below, Emmis has filed an amendment to its pending application for construction permit for its digital facilities (BPCDT-19991028AEO). That amendment, attached as Exhibit A, directly conflicts with the operation of Station WPGX-DT on Channel 9 in Panama City, Florida, as proposed by Waitt in the Petition. Waitt has failed to provide any justification for its proposed channel change. Further, retention of DTV Channel 29 would permit WPGX-DT to "maximize" its facilities while allowing WALA-DT to maximize, as well. Finally, if Waitt would prefer an allotment other than Channel 29, there is another channel

available for allotment to WPGX-DT that would provide coverage comparable to Channel 29 and would not conflict with maximization of WALA-DT. For these reasons, the Petition should be denied.

I. BACKGROUND

Emmis is the licensee of Station WALA(TV), Mobile, Alabama, which operates on NTSC Channel 10, and has been assigned DTV Channel 9 for its digital television facilities, with an authorized effective radiated power (“ERP”) of 16.5 kW at 381 meters height above average terrain (“HAAT”). *See* 47 C.F.R. § 73.622(b); *See also* Appendix B, *Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Orders*, 14 FCC Rcd 1348, 64 FR 4322 (Dec. 18, 1998) (the “*Second MO&O*”). On October 28, 1999, Emmis filed an application for construction permit for its digital facilities, requesting authority to construct the facilities conforming to the specified parameters in Appendix B of the *Second MO&O*. On December 21, 1999, Emmis filed an amendment to the application increasing the effective radiated power from 16.5 kW to 124 kW ERP, with a change in antenna height from 381 meters HAAT to 346 meters HAAT.

Station WPGX(TV), Panama City, Florida, operates on NTSC Channel 28, and was authorized by Appendix B in the *Second MO&O* to construct and operate its digital facilities on Channel 29, with 50 kW ERP at 228 meters HAAT. Rather than construct its facilities to replicate its current service area, Waitt filed its Petition, which seeks both to change from DTV Channel 29 to Channel 9 and to expand the WPGX-DT service area by operation with 100 kW ERP at 207 meters HAAT.

II. DISCUSSION

A. The Proposal Would Cause Impermissible Interference to WALA-DT

Section 73.623(c) of the Commission's rules, 47 C.F.R. § 73.623(c) (1998), establishes the technical criteria by which an allotted digital facility may amend the DTV Table of Allotments to specify a new allotment. *See also* Section 73.622(a) (establishing the applicable technical standards for modification of the DTV Table of Allotments). Specifically, the holder of an existing allotment may file a petition to amend the DTV Table of Allotments so long as, utilizing the predictive methods set forth in OET Bulletin 69, the "requested change would not result in more than an additional 2 percent the population served by another station being subject to interference." 47 C.F.R. § 73.623(c) (1998).¹

As proposed, the Station WPGX-DT facility would not cause impermissible interference to the Station WALA-DT facility if the latter were to operate at its currently-authorized ERP and HAAT. However, as detailed in Exhibits A & B, Emmis proposes to operate the WALA-DT at 124 kW and 346 meters HAAT. As such, an additional 5% of interference will be caused to Station WALA-DT's service area, affecting over 50,600 persons. This increase in interference is well beyond the 2% maximum threshold specified in Section 73.623(c).

B. Waitt Has Failed To Demonstrate Need For A Channel Change

Waitt has failed to provide any justification for the proposed channel change. The only possible justification proffered by Waitt for its proposal is found in a cryptic reference to a recent

¹ It is worth noting that if the Waitt proposal were viewed as a new allotment to the DTV Table of Allotments, it would be severely short-spaced: the proposed WGPX-DT facilities are to be located only 219 kilometers from Station WALA's DTV facilities, whereas Section 73.623(d) of the Rules requires a minimum separation of 273.6 kilometers. Therefore, absent the special treatment afforded to current allotments, the proposal would clearly be defective.

Commission decision that is actually contrary to the proposition for which it appears to be cited. Citing *J.S. Kelly, L.L.C.*, 13 FCC Rcd 23632 ¶ 11 (1998), Waitt claims that the substitution of DTV Channel 9 for Channel 29 will serve the public interest “by reducing the need for modifying existing broadcast towers or constructing new towers to house digital television facilities, and by ameliorating adjacent channel interference concerns.” Presumably, Waitt is arguing that the decision in *J.S. Kelly* supports its apparent position that if it constructs its digital facilities for Station WPGX to on Channel 29 at the authorized site (co-located with its NTSC site), such facilities would cause interference to its NTSC operation. However, *J.S. Kelly* in fact stands for the proposition that the Commission *encourages* the colocation of digital and NTSC facilities operating on adjacent channels, since in that decision the proposal approved by the Commission was to colocate adjacent-channel DTV and NTSC facilities.

This conclusion is supported by the Commission’s decision in the DTV rulemaking proceeding to tighten the DTV emissions mask and “encourage adjacent channel co-locations” as the “best approach for addressing adjacent channel interference concerns.” *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order*, 13 FCC Rcd 7418, ¶92 (1998). The Commission based its DTV Table of Allotments on the NTSC tower site location, and restricted *de minimis* relocation of the tower to five (5) kilometers. 47 C.F.R. § 73.622(d)(1) (1998). Thus, any implication that Waitt could not construct its DTV facility for Channel 29 at the same site as its NTSC facility for Channel 28 is clearly incorrect.

Moreover, the DTV allotment which Waitt seeks to change is hardly unique; as is shown in Exhibit B, the Commission has allocated some **190** DTV channels that are one channel above the station’s NTSC channel (so-called “N+1” allotments). Waitt has made no showing whatever as to how its “N+1” allotment differs from all the others made by the Commission.

C. WPGX-DT Could Operate on Either Channel 29 or Channel 26

Although it proposes to operate Station WPGX(TV) on DTV Channel 9 at 100 kW, Exhibit B shows that Waitt could also fully maximize its facilities on Channel 29, operating with as much as 1,000 kW. Such operation would increase the station's DTV service area by 39% and serve an additional 84,990 persons. However, if Waitt would prefer a different channel, Exhibit B also shows that Waitt could operate on Channel 26 without impairing Emmis's ability to maximize WALA-DT. Waitt also would be able to operate on Channel 26 with as much as 1,000 kW, and serve approximately the same population and service area as it would by operating on Channel 29.

III. CONCLUSION

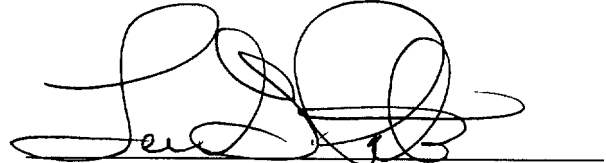
Waitt has failed to provide any justification for the amendment of the DTV Table of Allotments to substitute Channel 9 for Channel 29. The proposed operation on Channel 9 conflicts with the maximization of Station WALA-DT. In contrast, operation of WGPX-DT on currently-allotted Channel 29 would permit both it and WALA-DT to maximize. Finally, if Waitt would prefer a channel other than Channel 29, DTV Channel 26 could be utilized to provide coverage comparable to Channel 29 with no adverse impact on WALA-DT.

For the reasons stated, the Petition should be denied.

Respectfully submitted,

**EMMIS TELEVISION LICENSE
CORPORATION OF MOBILE**

By:

A handwritten signature in black ink, appearing to read "John E. Fiorini III", written over a horizontal line.

John E. Fiorini III

Lee G. Petro

Gardner, Carton & Douglas

1301 K Street, N.W. - East Tower

Suite 900

Washington, D.C. 20005

(202) 408-7159 - Telephone

(202) 289-1504 - Telecopier

Attorneys for Emmis Television
License Corporation of Mobile

December 22, 1999

DC01/321368.1

EXHIBIT A

Amendment to Application, filed December 21, 1999

COPY

GARDNER, CARTON & DOUGLAS

1301 K STREET, N.W.

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WRITER'S DIRECT DIAL NUMBER

WASHINGTON, D.C. 20005

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December 21, 1999

By Hand Delivery

Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION

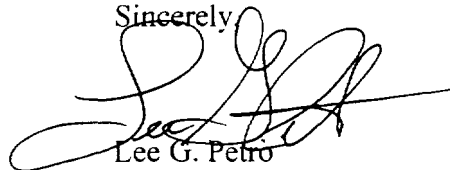
**Re: Amendment to Application for Construction Permit – FCC Form 301-DTV
Station WALA-DT, Mobile, Alabama - BPCDT-19991028AEO
Emmis Television License Corporation of Mobile, Licensee**

Dear Ms. Salas:

Transmitted herewith is an original and two (2) copies of an amendment to the Application for Construction Permit (FCC 301-DTV) for Station WALA-DT, filed on behalf of the licensee, Emmis Television License Corporation of Mobile.

Since this is an amendment to a pending application, no filing fee is required. Should there be any questions, please contact either John E. Fiorini at (202) 408-7159 or undersigned counsel.

Sincerely,


Lee G. Petro

Enclosures

DC01/321414.1

FOR
FCC
USE
ONLY

FCC 301

APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

FOR COMMISSION USE ONLY
FILE NO.

Section I - General Information

1. Legal Name of the Applicant
Emmis Television License Corporation of Mobile
- Mailing Address
3500 West Olive Avenue
- | | | |
|---|---|-----------------------------------|
| City
Burbank | State or Country (if foreign address)
California | ZIP Code
91505-4604 |
| Telephone Number (include area code)
(818) 973-2722 | E-Mail Address (if available)
DROSE@EMMISWEST.EMMIS.COM | |
| | Call Sign
WALA-TV | Facility ID Number
4143 |
2. Contact Representative (if other than applicant)
Lee G. Petro
- Firm or Company Name
Gardner, Carton & Douglas
- Telephone Number (include area code)
(202) 408-7221
- E-Mail Address (if available)
LPETRO@GCD.COM
3. If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114):
☐ Governmental Entity ☒ Other **Amendment to Pending Application**
4. Application Purpose.
- | | |
|--|--|
| <input type="checkbox"/> New station | <input type="checkbox"/> Major Modification of construction permit |
| <input type="checkbox"/> Major Change in licensed facility | <input type="checkbox"/> Minor Modification of construction permit |
| <input type="checkbox"/> Minor Change in licensed facility | <input type="checkbox"/> Major Amendment to pending application |
| | <input checked="" type="checkbox"/> Minor Amendment to pending application |
- a. File number of original construction permit: _____ ☒ N/A
- b. Service Type: ☐ AM ☐ FM ☐ TV ☒ DTV
- c. Community of License:
- | | |
|-----------------------|-------------------------|
| City
Mobile | State
Alabama |
|-----------------------|-------------------------|
- d. Facility Type: ☒ Main ☐ Auxiliary

If an amendment, submit as an Exhibit a listing by Section and Question Number of the portions of the pending application that are being revised.

Exhibit No.
One

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

Section II - Legal

1. **Certification.** Applicant certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Applicant further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets. ☒ Yes ☐ No

2. **Parties to the Application.**

- a. List the applicant, and, if other than a natural person, its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. If a corporation or partnership holds an attributable interest in the applicant, list separately its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. Create a separate row for each individual or entity. Attach additional pages if necessary.

- | | |
|---|---|
| (1) Name and address of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners. | (2) Citizenship.
(3) Positional Interest: Officer, director, general partner, limited partner, LLC member, etc.
(4) Percentage of votes.
(5) Percentage of equity. |
|---|---|

(1)	(2)	(3)	(4)	(5)

- b. Applicant certifies that equity interests not set forth above are non-attributable.

☐ Yes ☐ No

☐ N/A

See Explanation
in Exhibit No.

3. **Other Authorizations.** List call signs, locations, and facility identifiers of all other broadcast stations in which applicant or any party to the application has an attributable interest.

Exhibit No.

☐ N/A

4. **Multiple Ownership.**

- a. Applicant certifies that the proposed facility:

1. complies with the Commission's multiple and cross-ownership rules;
2. does not present an issue under the Commission's cross-interest policy;
3. does not present an issue under the Commission's policies relating to media interests of immediate family members;
4. complies with the Commission's policies relating to future ownership interests; and
5. complies with the Commission's restrictions relating to the insulation and non-participation of non-party investors and creditors.

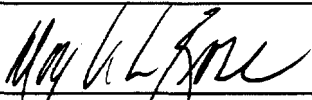
☐ Yes ☐ No

See Explanation
in Exhibit No.

Section II - Legal

- b. **Radio Applicants Only.** If the grant of the application would result in certain principal community service contour overlaps, see Local Radio Ownership Worksheet, Question 1, applicant certifies that all relevant information has been placed in public inspection file(s) and submitted to the Commission. ☐ Yes ☐ No ☐ N/A See Explanation in Exhibit No.
5. **Character Issues.** Applicant certifies that neither applicant nor any party to the application has or has had any interest in, or connection with: ☐ Yes ☐ No See Explanation in Exhibit No.
- a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or
- b. any pending broadcast application in which character issues have been raised.
6. **Adverse Findings.** Applicant certifies that, with respect to the applicant and any party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any law related to the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination. ☐ Yes ☐ No See Explanation in Exhibit No.
7. **Alien Ownership and Control.** Applicant certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments. ☐ Yes ☐ No See Explanation in Exhibit No.
8. **Program Service Certification.** Applicant certifies that it is cognizant of and will comply with its obligations as a Commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area. ☐ Yes ☐ No
9. **Local Public Notice.** Applicant certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580. ☐ Yes ☐ No
10. **Auction Authorization.** If the application is being submitted to obtain a construction permit for which the applicant was the winning bidder in an auction, then the applicant certifies, pursuant to 47 C.F.R. Section 73.5005(a), that it has attached an exhibit containing the information required by 47 C.F.R. Sections 1.2107(d), 1.2110(i), 1.2112(a) and 1.2112(b), if applicable. ☐ Yes ☐ No ☐ N/A
- Exhibit No.
- An exhibit is required unless this question is inapplicable.**
11. **Anti-Drug Abuse Act Certification.** Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862. ☒ Yes ☐ No

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing Doyle L. Rose	Typed or Printed Title of Person Signing Vice-President
Signature 	Date 12/21/99

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT
(U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT
(U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

SECTION III PREPARER'S CERTIFICATION

I certify that I have prepared Section III (Engineering Data) on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name Robert D. Culver		Relationship to Applicant (e.g., Consulting Engineer) Professional Engineer	
Signature <i>Robert Culver</i>		Date December 17, 1999	
Mailing Address 8309 Cherry Lane			
City Laurel		State or Country (if foreign address) MD	ZIP Code 20707-4830
Telephone Number (include area code) 301-776-4488		E-Mail Address (if available) bobcul@locul.com	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT
(U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT
(U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

EXHIBIT ONE

The attached Section III-D – DTV Engineering (FCC Form 301-DT) completely replaces the engineering information provided in the original construction permit application, filed on October 28, 1999 (BPCDT-19991028AEO).

SECTION III-D - DTV Engineering

Complete Questions 1-5 of the Certification Checklist and provide all data and information for the proposed facility, as requested in Technical Specifications, Items 1-13.

Certification Checklist: A correct answer of "Yes" to all of the questions below will ensure an expeditious grant of a construction permit. However, if the proposed facility is located within the Canadian or Mexican borders, coordination of the proposal under the appropriate treaties may be required prior to grant of the application. An answer of "No" will require additional evaluation of the applicable information in this form before a construction permit can be granted.

1. The proposed DTV facility complies with 47 C.F.R. Section 73.622 in the following respects:

- (a) It will operate on the DTV channel for this station as established in 47 C.F.R. Section 73.622. ☒ Yes ☐ No
- (b) It will operate from a transmitting antenna located within 5.0 km (3.1 miles) of the DTV reference site for this station as established in 47 C.F.R. Section 73.622. ☒ Yes ☐ No
- (c) It will operate with an effective radiated power (ERP) and antenna height above average terrain (HAAT) that do not exceed the DTV reference ERP and HAAT for this station as established in 47 C.F.R. Section 73.622. Omnidirectional ERP adjusted to maximum permitted by 73.622(f) of the Rules for requested antenna height. ☐ Yes ☒ No
2. The proposed facility will not have a significant environmental impact, including exposure of workers or the general public to levels of RF radiation exceeding the applicable health and safety guidelines, and therefore will not come within 47 C.F.R. Section 1.1307. ☒ Yes ☐ No

Applicant must submit the Exhibit called for in Item 13.

3. Pursuant to 47 C.F.R. Section 73.625, the DTV coverage contour of the proposed facility will encompass the allotted principal community. ☒ Yes ☐ No
4. The requirements of 47 C.F.R. Section 73.1030 regarding notification to radio astronomy installations, radio receiving installations and FCC monitoring stations have either been satisfied or are not applicable. ☒ Yes ☐ No
5. The antenna structure to be used by this facility has been registered by the Commission and will not require reregistration to support the proposed antenna, OR the FAA has previously determined that the proposed structure will not adversely effect safety in air navigation and this structure qualifies for later registration under the Commission's phased registration plan, OR the proposed installation on this structure does not require notification to the FAA pursuant to 47 C.F.R. Section 17.7. ☒ Yes ☐ No

SECTION III-D DTV Engineering

TECHNICAL SPECIFICATIONS

Ensure that the specifications below are accurate. Contradicting data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.

TECH BOX

1. Channel Number: DTV 09 Analog TV, if any 10
2. Zone: ☐ I ☐ II ☒ III
3. Antenna Location Coordinates: (NAD 27)
- | | | | | |
|-------------|-------------|-------------|---------------------------------------|---|
| <u>30</u> ° | <u>41</u> ' | <u>17</u> " | <input checked="" type="checkbox"/> N | <input type="checkbox"/> S Latitude |
| <u>87</u> ° | <u>47</u> ' | <u>54</u> " | <input type="checkbox"/> E | <input checked="" type="checkbox"/> W Longitude |
4. Antenna Structure Registration Number: 1059778
- ☐ Not applicable ☐ FAA Notification Filed with FAA
5. Antenna Location Site Elevation Above Mean Sea Level: 61 meters
6. Overall Tower Height Above Ground Level: 366 meters
7. Height of Radiation Center Above Ground Level: 319 meters
8. Height of Radiation Center Above Average Terrain: 346 meters
9. Maximum Effective Radiated Power (average power): 124 kW
10. Antenna Specifications:
- | | | | |
|-----------------|-----|-------|----------|
| a. Manufacturer | DCA | Model | TW-7B9-R |
|-----------------|-----|-------|----------|
- b. Electrical Beam Tilt: 0.9 degrees ☐ Not Applicable
- c. Mechanical Beam Tilt: _____ degrees toward azimuth _____ degrees True ☒ Not Applicable
- Attach as an Exhibit all data specified in 47 C.F.R. Section 73.625(c).
- Exhibit No.
E, Fig. 1
- d. Polarization: ☒ Horizontal ☐ Circular ☐ Elliptical

TECH BOX

- e. Directional Antenna Relative Field Values: ☒ Not applicable (Nondirectional)
 Rotation: _____ ° ☐ No rotation

Degree	Value	Degree	Value	Degree	Value	Degree	Value	Degree	Value	Degree	Value
0		60		120		180		240		300	
10		70		130		190		250		310	
20		80		140		200		260		320	
30		90		150		210		270		330	
40		100		160		220		280		340	
50		110		170		230		290		350	
Additional Azimuths											

If a directional antenna is proposed, the requirements of 47 C.F.R. Section 73.625(c) must be satisfied. **Exhibit required.**

Exhibit No.

11. Does the proposed facility satisfy the interference protection provisions of 47 C.F.R. Section 73.623(a)? (Applicable only if **Certification Checklist** Items 1(a), (b), or (c) are answered "No.") ☒ Yes ☐ No

If "No," attach as an Exhibit justification therefor, including a summary of any related previously granted waivers.

Exhibit No.

12. If the proposed facility will not satisfy the coverage requirement of 47 C.F.R. Section 73.625, attach as an Exhibit justification therefor. (Applicable only if **Certification Checklist** Item 3 is answered "No.")

Exhibit No.

13. **Environmental Protection Act.** Submit in an Exhibit the following:

Exhibit No.

E

- a. If **Certification Checklist** Item 3 is answered "Yes," a brief explanation of why an Environmental Assessment is not required. Also describe in the Exhibit the steps that will be taken to limit RF radiation exposure to the public and to persons authorized access to the tower site.

By checking "Yes" to **Certification Checklist** Item 3, the applicant also certifies that it, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic exposure in excess of FCC guidelines.

If **Certification Checklist** Item 3 is answered "No," an Environmental Assessment as required by 47 C.F.R. Section 1.1311.

PREPARER'S CERTIFICATION IN SECTION III MUST BE COMPLETED AND SIGNED.

**EXHIBIT E
ENGINEERING STATEMENT
PROPOSED DTV STATION
124 KW (OMNI) 346M AAT CH. 09
DWALA-TV MOBILE, ALABAMA**

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INTERFERENCE CONSIDERATIONS	PAGE 4
AERONAUTICAL AND ENVIRONMENTAL CONSIDERATIONS	PAGE 4

FIGURE

ANTENNA VERTICAL PLANE RELATIVE FIELD PATTERN	FIGURE 1
---	----------

Prepared by
Lohnes and Culver Washington, D.C.
December, 1999

**EXHIBIT E
ENGINEERING STATEMENT
PROPOSED DTV STATION
124 KW (OMNI) 346M AAT CH. 09
DWALA-TV MOBILE, ALABAMA**

INTRODUCTION

This statement was prepared on behalf of Emmis Television License Corporation of Mobile (Emmis), licensee of television broadcast station DWALA-TV Channel 10 at Mobile, Alabama. The Channel 10 NTSC operation has been paired with Channel 09 in the DTV Table of Allotments in Appendix B of Section 73.622 of the Commission's Rules.

The statement along with Section III-D of FCC Form 301 provides technical information in support of a modification of the outstanding application for construction permit for the DTV operation in FCC File BPCDT-991028EO.

PROPOSED FACILITIES

The facilities proposed herein result in a "NON-checklist" application. The only changes in this proposed application, relative to the application on file, is maximization of ERP in accordance with Section 73.622(f) of the FCC Rules. No other changes are proposed from that in permit application BPCDT-991028EO, however full information is supplied with this engineering statement.

The antenna system proposed herein will be co-located on an existing tower with the present NTSC operation. The antenna will incorporate electrical beam tilt. Attached as Figure 1 is a vertical plane antenna field pattern as required by Section 73.625(c) of the FCC Rules.

ALLOCATION INTERFERENCE STUDY

The proposed maximized DTV operation has been studied relative to the interference protection requirements in Section 73.623(a) of the FCC Rules. The FCC

DTV Rule Making process in MM Docket 87-268, The Sixth Report and Order, OET Bulletin 69, the Additional Application Processing Guidelines and the Reconsideration Orders, all specify the allowed changes for DTV stations based on interference to other DTV and NTSC stations. The FCC DTV allocation process made certain assumptions regarding the channel relationship of the new DTV facilities to existing NTSC stations and other DTV facilities. Specifically, it has been assumed that adjacent channel operation would be permitted for "co-located" facilities as defined in the FCC DTV allocation process, despite the potential for predicted interference. In this case the DWALA-DTV Channel 9 operation is co-located with the WALA-NTSC Channel 10 operation.

The computer system and software used by Lohnes and Culver to analyze Digital Television interference produces results consistent with Appendix B, the DTV allocation table, in the *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order* in MM Docket No. 87-268. The computer software is derived from the same Fortran code that is used by the Commission's computers which produced Appendix B. Lohnes and Culver has made only minor changes to the code which do not affect the interference analysis results, but rather enhance the utility of the FCC programs for application design. The modified code was compiled using a Sun Microsystems "SparCompiler Fortran 4.2" FORTRAN 77 compiler running on a Sun Microsystems Ultra/1 Model 170 workstation using the Sun Solaris operating system, the same as used by the FCC.

Many comparisons were made between the data produced by this software and the data in Appendix B. The comparisons verify the compatibility of the Lohnes and Culver software and that used to produce Appendix B. In addition, on an informal basis, Lohnes and Culver has exchanged results with the FCC Office of Engineering Technology (OET) for analysis of hypothetical situations. After studying the results of the Lohnes and Culver and the FCC OET analysis, it is evident that the results are essentially the same, if not identical, with that produced by the FCC software.

As specified in the FCC Rules, an allocation study was conducted to determine the impact of the proposed DWALA-DTV facility increase on all potentially affected stations. The methodology uses the computer program using the FCC DTV allocation program, as

explained above, in a multiple step fashion to reveal the impact on all other stations.

Table 1 was created by studying all potentially affected paired NTSC and DTV stations, as selected by the FCC allocation software. The list of potential stations was reduced to all remaining possible interference cases specific to this report, by removing stations outside of the possible interference channel relationship and distance. The table lists the FCC Appendix B allocation "digital television service transition population" (Alloc. Pop.) and the additional calculated population receiving interference from the proposed DTV facilities. The differential between these is the impact caused by DWALA-DTV.

TABLE 1
DWALA-DTV IMPACT

NTSC FACILITIES

<u>Ch.</u>	<u>CITY, STATE</u>	<u>Alloc. Pop.</u>	<u>ADDITIONAL DTV INT.</u>	
			<u>Pop.</u>	<u>% of Alloc.</u>
08	SELMA, AL.	653,950	NONE	NONE
08	NEW ORLEANS, LA.	1,681,793	NONE	NONE
09	COLUMBUS, GA.	945,064	16,945	1.79 %
09	BATON ROUGE, LA.	1,875,623	6,499	0.35 %
09	TUPELO, MS.	651,932	10,724	1.64 %

DTV FACILITIES (NONE)

The FCC has adopted a policy relative to the amount of predicted interference that may be allowed to be caused to other operations from a proposed new DTV facility or from a proposed modified DTV facility with changed location and/or height and/or ERP. The non-co-located facilities indicated above all receive either no new interference or acceptable de minimis new interference from the proposed DTV change, less than 2 % of population. The stations indicated in Table 1 to receive new interference remain with a total interference level below 10% of the Allocation Population as allowed in the new interference policy specified by the FCC.

INTERFERENCE CONSIDERATIONS

The DWALA-DTV operation is proposed in compliance with the FCC DTV allocation standards. These standards contemplate the co-located operation of adjacent channel DTV and NTSC facilities. The existing WALA tower is located in a mixed commercial and rural residential area as a long established television transmission site. WALA is well aware of the potential for interaction, interference and the remedial measures which may have to be implemented to cure any harmful interference. It is highly unlikely that any significant interference will occur, but in the event it does WALA is willing to cure such interference which may be caused by its new operation.

AERONAUTICAL AND ENVIRONMENTAL CONSIDERATIONS

The proposed DTV antenna will be installed on an existing tower. There will be no change in the height of the existing structure, therefore, notification to the FAA is not required.

The antenna tower and base facilities are currently controlled with warning signs to restrict and control access to the tower. Access to the tower base area will be limited to authorized people and suitable measures will be taken, such as suspending operation or reducing power during maintenance, to ensure that no exposure in excess of the FCC RF exposure guidelines will occur.

This application is categorically excluded from environmental processing by Section 1.1306 of the FCC Rules. It is excluded since the application does not involve a site location as described in Section 1.1307(a) and does not exceed the safety standards for human exposure to radio-frequency (RF) energy in Section 1.1307(b) as described below. Since the application is considered not to have a significant effect on the quality of the human environment under Section 1.1307(a) and (b), environmental processing is not required.

The total ERP of 124 kW (average) for the proposed DTV operation, along with the ERP of 316 kW (peak plus aural) for the co-located operation of the NTSC television station, will not subject workers or the general public to levels of RF energy in excess of the FCC guidelines in revised OET Bulletin 65 version 97-01. Attached to this statement as Figure 1 is a vertical plane graph of the elevation pattern of the proposed DTV antenna provided by the manufacturer. As shown, the field from the proposed antenna is less than 10 percent at all angles between 30 and 90 degrees below the horizontal. Assuming 10 percent of field for the proposed DTV antenna the calculated power density at 2 meters above ground is approximately $0.4 \mu\text{W}/\text{cm}^2$ or far less than 1.0% of the uncontrolled MPE. Since the DTV calculated level is considerably below 5 percent of the power density exposure limit the proposal is in full compliance with Section 1.1307(b)(3) of the Commission's Rules.

Respectfully submitted,
LOHNES AND CULVER

A handwritten signature in cursive script, appearing to read "Robert Culver", written in black ink.

Robert D. Culver, P.E.
Md. Reg. No. 19672

December, 1999

FIGURE 1

Date	22-Oct-99
Call Letters	WALA
Location	Mobile, AL
Customer	
Antenna Type	TW-7B9-R

Channe DT9

ELEVATION PATTERN

RMS Gain at Main Lobe	7.0 (8.45 dB)	Beam Tilt	0.90 deg
RMS Gain at Horizontal	6.7 (8.24 dB)	Frequency	189.00 MHz
Calculated / Measured	Calculated	Drawing #	16W070090-90

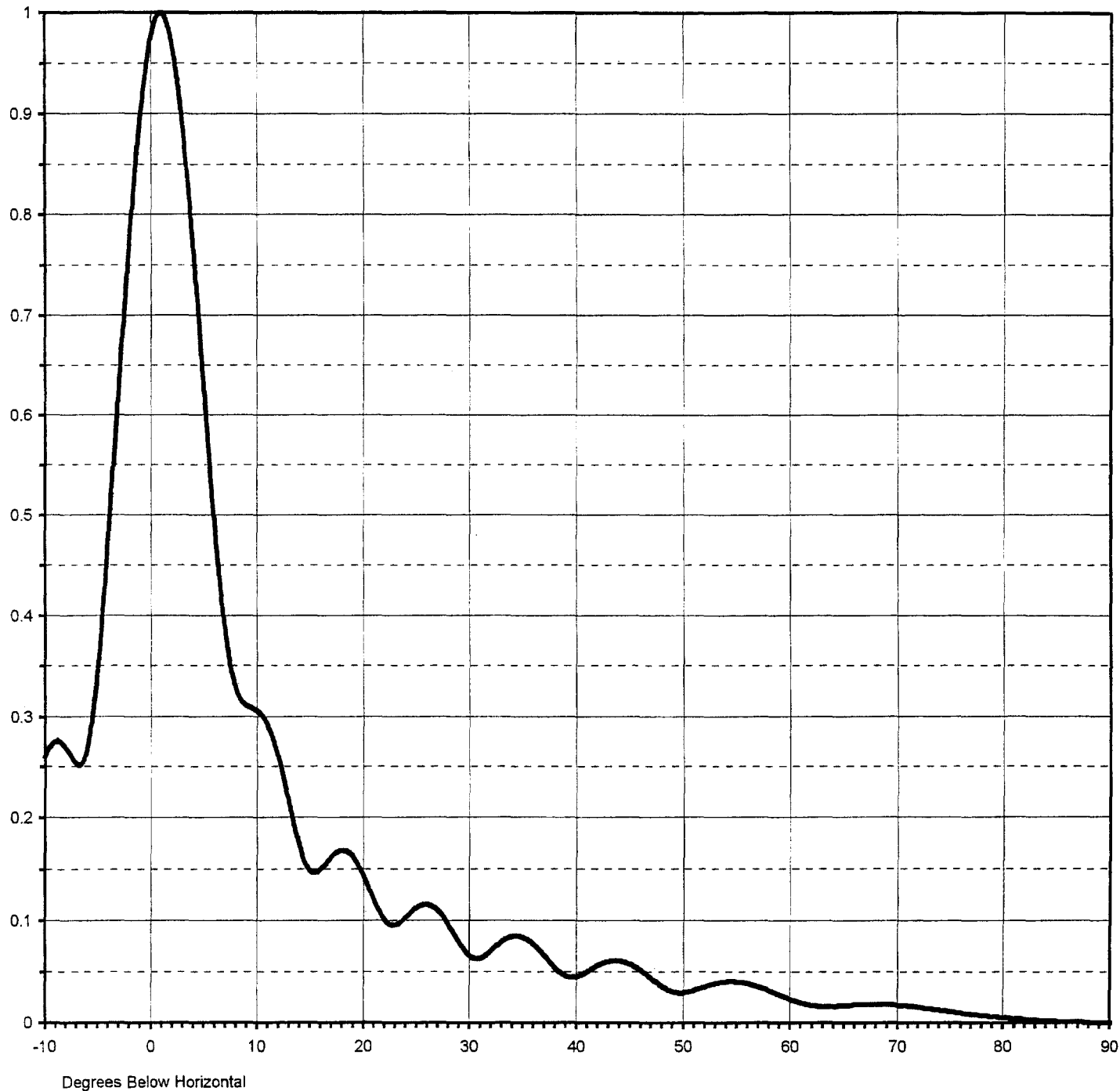


EXHIBIT B

Engineering Statement of Lohnes and Culver

**EXHIBIT B
ENGINEERING STATEMENT
RE: COMMENTS IN MM
DOCKET NO. 99-318
PREPARED ON BEHALF OF
EMMIS TV LICENSE CORP. OF MOBILE
MOBILE, ALABAMA**

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Prepared by
Lohnes and Culver Washington, D.C.
December, 1999

**EXHIBIT B
ENGINEERING STATEMENT
RE: COMMENTS IN MM DOCKET NO. 99-318
PREPARED ON BEHALF OF
EMMIS TV LICENSE CORP. OF MOBILE
MOBILE, ALABAMA**

INTRODUCTION

This statement was prepared on behalf of Emmis TV License Corp. Of Mobile ("EMMIS"), licensee of television broadcast station WALA-TV, Mobile, Alabama. It supplies technical information in support of Comments filed in the Commission's proposed adoption of RM-9745 in the Notice of Proposed Rule Making in MM Docket No. 99-318.

The NPRM describes a petition for rule making filed by Waitt License Company of Florida, Inc. ("WAITT"), licensee of station WPGX(TV), NTSC Channel 28 Panama City, Florida. WAITT was assigned Channel 29 for conversion to DTV but has requested the substitution of Channel 9 for Channel 29. EMMIS operates WALA-TV in Mobile, Alabama on NTSC Channel 10 and is paired with DTV Channel 9 for conversion to digital transmission.

Since the geographic spacing between the WAITT proposal on Channel 9 and WALA-DT on Channel 9 is 219.7 km, 53.9 km short of the minimum geographic spacing requirements for VHF co-channel DTV to DTV in Zones II and III, the office of the undersigned was retained by EMMIS to analyze the NPRM and to provide technical information in support of comments in the proceeding.

WAITT TECHNICAL PROPOSAL

The engineering statement associated with the WAITT petition describes a technical facility employing a directional antenna that will operate on Channel 9 with an ERP of 100 kW at 207 meters HAAT. Those facilities were used by WAITT'S consulting engineer to

conduct independent calculations to determine compliance with the de minimis interference criteria described in Section 73.623(c)(2) of the Commission's Rules. The results of the independent calculations, which examined potentially affected NTSC stations on Channels 8, 9 and 10 and the DTV allotment on Channel 9 at Mobile, Alabama demonstrate compliance with 73.623(c)(2). The accuracy of those results have been confirmed by this office and are not in contention.

The study performed by WAITT's consulting engineer considers the impact of the proposal on the allotment facilities of WALA-DT on Channel 9 at Mobile, Alabama. WALA-DT has a checklist application pending before the Commission but has recently filed a non-checklist application as an amendment to maximize their DTV facilities on Channel 9. The proposed maximized facilities for WALA-DT are 124 kW ERP, Non-DA, at 346 meters HAAT, co-located with WALA-TV, Channel 10.

This office has performed independent calculations to determine the impact of the WAITT proposed channel change on the WALA-DT maximized facility. Attached as Figure 1 is a tabulation of the results of those calculations. The tabulation shows that with WPGX operating on Channel 9, as proposed by WAITT, the maximized operation of WALA-DT will receive new interference in the amount of 50,637 or 5.02 percent of the WALA-DT baseline of 1,008,000 taken from Appendix B of the Commission's Second Memorandum. The WAITT proposal for WPGX therefore does not meet the de minimis interference criteria of Section 73.623 (c)(2) with WALA-DT operating with maximum facilities as permitted under the Commission's Rules.

As previously stated WPGX was assigned DTV Channel 29 for conversion to digital transmission and has requested the substitution of Channel 9. We have examined the engineering statement supporting the requested change and find no evidence as to why the assigned Channel 29 is not acceptable for the conversion to digital transmission. The allotment of Channel 29 for WPGX-DT was assigned an ERP of 50 kW at 228 M HAAT.

This office has performed an analysis of the allotment and has determined that the facility on Channel 29 can be maximized to 1000 kW in compliance with the de minimis interference criteria of Section 73.623(c)(2) of the Commission's Rules. Attached as Figures 2 and 3 are tabulations listing the results of the interference analysis with respect to each analog TV station, DTV allotment and non-checklist DTV authorization.

The non-technical portion of the WAITT petition states that the proposed Channel 9 DTV allotment specifies operation from the same site as the current WPGX operation and that such co-location of analog and digital facilities, "will serve the public interest by reducing the need for modifying existing broadcast towers or constructing new towers to house digital television facilities, and by ameliorating adjacent channel interference concerns." There is nothing in the WAITT petition that indicates that the Channel 29 DTV allotment cannot be co-located with the WPGX Channel 28 NTSC operation. The N+1 DTV allotment of Channel 29 for WPGX is certainly not unique since there are 190 N+1 DTV allotments in Appendix B of the Commission's Second Memorandum.

Although there is no direct reference in the WAITT petition to the incompatibility of co-location of NTSC Channel 28 and DTV Channel 29, one can draw that implication from their quote of a general reference to collocation of facilities and amelioration of adjacent channel interference concerns contained in an FCC Memorandum Opinion and Order. (J.S. Kelly, L.L.C. 13 FCC Rcd 23632, 2363611 MM Bur. 1998). Channel 29 is obviously a suitable allotment for WPGX during the DTV conversion period, however, additional studies were conducted by this office in search of a alternate channel that can be substituted for DTV Channel 29 in lieu of Channel 9. It has been determined that Channel 26 can be allotted to WPGX as a substitution for Channel 29 with maximum facilities of 1000 kW at 281 meters AAT which will provide service comparable to that of a similar operation on Channel 29. Attached as Figures 4 and 5 are tabulations listing the results of the interference analysis with respect to each analog TV station DTV allotment and non-checklist DTV authorization. As shown the use of Channel 26 in lieu of Channel

29 by WPGX for the conversion to digital transmission is in full compliance with the de minimis interference criteria described in Section 73.623(c)(2) of the Commission's Rules.

The computer software and hardware used by Lohnes and Culver to analyze DTV interference produces results consistent with Appendix B in the Commission *Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Orders* in MM Docket No. 87-268. The computer software is based on the same Fortran code used by the Commission to produce the data in Appendix B. Lohnes and Culver made only minor changes to the code and those changes do not effect the results of the interference analysis. The modified code was compiled by a Sun Microsystems "SparCompiler Fortran 4.2" FORTRAN 77 compiler running on a Sun Microsystems Ultra/1 Model 170 workstation using the Solaris operating system.

Lohnes and Culver has verified the accuracy of the software by comparing output data with the information contained in Appendix B. Studies involving hypothetical situations have also been conducted on an informal basis with the FCC's Office of Engineering and Technology (OET) to compare the software used by Lohnes and Culver and the FCC software described in the Commission's *OET Bulletin No. 69*. The results of those comparisons demonstrate a very close correlation between the methodology used by Lohnes and Culver and the methodology used by OET for analyzing applications which specify facilities that are not in conformance with the allotted facilities established in Section 73.622 of the FCC Rules. For the purpose of this analysis, interference was evaluated in accordance with the procedures outlined in the Commission's *OET Bulletin No. 69* based on a cell size of 2 kilometers on a side.

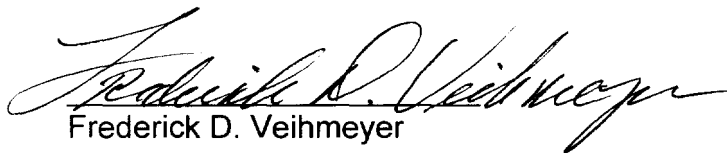
SUMMARY

The WAITT petition to substitute Channel 9 for Channel 29 for the conversion of WPGX to digital transmission fails to demonstrate why Channel 29 cannot be used as

proposed by the Commission in Appendix B. As demonstrated herein the proposed Channel 9 DTV operation will conflict with the proposed maximization of WALA-DT on Channel 9 in Mobile.

The Channel 29 allotment for WPGX can be maximized to 1000 kW as shown and there is at least one other channel that can be substituted in lieu of Channel 9 for the digital operation of WPGX during the conversion period.

Respectfully submitted,
LOHNES AND CULVER



Frederick D. Veihmeyer

December, 1999

**FIGURE 1
INTERFERENCE ANALYSIS
MAXIMIZED FACILITIES
WALA-DT 124KW 346M AAT CH.9
MOBILE, ALABAMA**

ANALYSIS WITH WPGX ALLOTMENT ON CHANNEL 29:

POPULATION

9A MOBILE, AL: WALA-DT 124KW 346M AAT

Baseline Population From Appendix B:	1,008,000
· Population Lost to NTSC Interference:	3,372
· Population Lost to Additional DTV Interference:	0
· Population Lost to New Interference:	0
Total Population Lost to All Interference:	3,372
% of Baseline Lost to New Interference (2% Limit):	0%
% of Baseline Lost to All Interference (10% Limit):	0.3%

ANALYSIS WITH WPGX AS PROPOSED ON CHANNEL 9:

9A MOBILE, AL: WALA-DT 124KW 346M AAT

Baseline Population From Appendix B:	1,008,000
· Population Lost to NTSC Interference:	3,372
· Population Lost to Additional DTV Interference:	50,637
· Population Lost to New Interference:	52,239
Total Population Lost to All Interference:	54,009
% of Baseline Lost to New Interference (2% Limit):	5.02%
% of Baseline Lost to All Interference (10% Limit):	5.36%

FIGURE 2
INTERFERENCE ANALYSIS
OF ALLOTMENT IN INITIAL DTV TABLE
PRESENT CH. 29A PANAMA CITY, FL
WPGX-DT 50 KW 228 M HAAT
PROPOSED CH. 29A PANAMA CITY, FL
WPGX-DT 1,000 KW 228 M HAAT

<u>ANALYSIS OF NTSC STATIONS (Current Database):</u>	<u>PRESENT</u>	<u>PROPOSED</u>
29N SELMA, AL		
Population Within Grade B Contour:	106,280	106,280
- Population Lost to New Interference:	--	1,033
Total Population Lost to DTV Interference Only:	0	1,033
% of Population Lost to New Interference (2% Limit):	--	1%
% of Population Lost to DTV Interference Only (10% Limit):	0%	1%
29N COCHRAN, GA		
Population Within Grade B Contour:	553,142	553,142
- Population Lost to New Interference:	--	1,552
Total Population Lost to DTV Interference Only:	0	1,552
% of Population Lost to New Interference (2% Limit):	--	0%
% of Population Lost to DTV Interference Only (10% Limit):	0%	0%

FIGURE 3
INTERFERENCE ANALYSIS
OF ALLOTMENT IN INITIAL DTV TABLE
PRESENT CH. 29A PANAMA CITY, FL
WPGX-DT 50 KW 228 M HAAT
PROPOSED CH. 29A PANAMA CITY, FL
WPGX-DT 1,000 KW 228 M HAAT

<u>ANALYSIS OF DTV FACILITIES (Current Database):</u>	<u>PRESENT</u>	<u>PROPOSED</u>
29A TAMPA, FL: 101.1 KW ERP, 471 M HAAT		
Baseline Population From Appendix B:	3,079,000	3,079,000
· Population Lost to NTSC Interference:	0	0
· Population Lost to Additional DTV Interference:	0	0
· Population Lost to New Interference:	--	0
Total Population Lost to All Interference:	0	0
% of Baseline Lost to New Interference (2% Limit):	--	0.0%
% of Baseline Lost to All Interference (10% Limit):	0.0%	0.0%
29A TAMPA, FL: 200 KW ERP, 471 M HAAT (Maximization of initial allotment in Appendix B)		
Baseline Population From Appendix B:	3,079,000	3,079,000
· Population Lost to NTSC Interference:	0	0
· Population Lost to Additional DTV Interference:	0	0
· Population Lost to New Interference:	--	0
Total Population Lost to All Interference:	0	0
% of Baseline Lost to New Interference (2% Limit):	--	0.0%
% of Baseline Lost to All Interference (10% Limit):	0.0%	0.0%
30A ALBANY, GA: 50 KW ERP, 302 M HAAT		
Baseline Population From Appendix B:	406,000	406,000
· Population Lost to NTSC Interference:	38	38
· Population Lost to Additional DTV Interference:	0	0
· Population Lost to New Interference:	--	0
Total Population Lost to All Interference:	38	38
% of Baseline Lost to New Interference (2% Limit):	--	0.0%
% of Baseline Lost to All Interference (10% Limit):	0.0%	0.0%
30A ALBANY, GA: 200 KW ERP, 302 M HAAT (Maximization of initial allotment in Appendix B)		
Baseline Population From Appendix B:	406,000	406,000
· Population Lost to NTSC Interference:	38	38
· Population Lost to Additional DTV Interference:	0	0
· Population Lost to New Interference:	--	0
Total Population Lost to All Interference:	38	38
% of Baseline Lost to New Interference (2% Limit):	--	0.0%
% of Baseline Lost to All Interference (10% Limit):	0.0%	0.0%

FIGURE 4
INTERFERENCE ANALYSIS
OF ALLOTMENT IN INITIAL DTV TABLE
PRESENT CH. 29A PANAMA CITY, FL
WPGX-DT 50 KW 228 M HAAT
PROPOSED CH. 26A PANAMA CITY, FL
WPGX-DT 1,000 KW 228 M HAAT

<u>ANALYSIS OF NTSC STATIONS (Current Database):</u>	<u>PRESENT</u>	<u>PROPOSED</u>
18N DOTHAN, AL		
Population Within Grade B Contour:	291,249	291,249
- Population Lost to New Interference:	--	0
Total Population Lost to DTV Interference Only:	2,267	2,267
% of Population Lost to New Interference (2% Limit):	--	0%
% of Population Lost to DTV Interference Only (10% Limit):	1%	1%
26N MONTGOMERY, AL		
Population Within Grade B Contour:	376,986	376,986
- Population Lost to New Interference:	--	4,008
Total Population Lost to DTV Interference Only:	10,839	14,847
% of Population Lost to New Interference (2% Limit):	--	1%
% of Population Lost to DTV Interference Only (10% Limit):	3%	4%
34N OZARK, AL		
Population Within Grade B Contour:	229,757	229,757
- Population Lost to New Interference:	--	0
Total Population Lost to DTV Interference Only:	202	202
% of Population Lost to New Interference (2% Limit):	--	0%
% of Population Lost to DTV Interference Only (10% Limit):	0%	0%
26N DAYTONA BEACH, FL		
Population Within Grade B Contour:	1,525,835	1,525,835
- Population Lost to New Interference:	--	0
Total Population Lost to DTV Interference Only:	0	0
% of Population Lost to New Interference (2% Limit):	--	0%
% of Population Lost to DTV Interference Only (10% Limit):	0%	0%
24N TALLAHASSEE, FL		
Population Within Grade B Contour:	343,293	343,293
- Population Lost to New Interference:	--	0
Total Population Lost to DTV Interference Only:	1,009	1,009
% of Population Lost to New Interference (2% Limit):	--	0%
% of Population Lost to DTV Interference Only (10% Limit):	0%	0%
27N TALLAHASSEE, FL		
Population Within Grade B Contour:	609,523	609,523
- Population Lost to New Interference:	--	0
Total Population Lost to DTV Interference Only:	700	700
% of Population Lost to New Interference (2% Limit):	--	0%
% of Population Lost to DTV Interference Only (10% Limit):	0%	0%

Prepared by
Lohnes and Culver Washington, DC
December, 1999

FIGURE 4 (continued)
INTERFERENCE ANALYSIS
OF ALLOTMENT IN INITIAL DTV TABLE
PRESENT CH. 29A PANAMA CITY, FL
WPGX-DT 50 KW 228 M HAAT
PROPOSED CH. 26A PANAMA CITY, FL
WPGX-DT 1,000 KW 228 M HAAT

<u>ANALYSIS OF NTSC STATIONS (Current Database):</u>	<u>PRESENT</u>	<u>PROPOSED</u>
26N AUGUSTA, GA		
Population Within Grade B Contour:	693,324	693,324
- Population Lost to New Interference:	--	0
Total Population Lost to DTV Interference Only:	32	32
% of Population Lost to New Interference (2% Limit):	--	0%
% of Population Lost to DTV Interference Only (10% Limit):	0%	0%
25N DAWSON, GA		
Population Within Grade B Contour:	306,101	306,101
- Population Lost to New Interference:	--	0
Total Population Lost to DTV Interference Only:	6,488	6,488
% of Population Lost to New Interference (2% Limit):	--	0%
% of Population Lost to DTV Interference Only (10% Limit):	2%	2%

FIGURE 5
INTERFERENCE ANALYSIS
OF ALLOTMENT IN INITIAL DTV TABLE
PRESENT CH. 29A PANAMA CITY, FL
WPGX-DT 50 KW 228 M HAAT
PROPOSED CH. 26A PANAMA CITY, FL
WPGX-DT 1,000 KW 228 M HAAT

<u>ANALYSIS OF DTV FACILITIES (Current Database):</u>	<u>PRESENT</u>	<u>PROPOSED</u>
26A GADSDEN, AL: 86.9 KW ERP, 352 M HAAT		
Baseline Population From Appendix B:	1,147,000	1,147,000
· Population Lost to NTSC Interference:	31,525	31,525
· Population Lost to Additional DTV Interference:	129	129
· Population Lost to New Interference:	--	0
Total Population Lost to All Interference:	31,654	31,654
% of Baseline Lost to New Interference (2% Limit):	--	0.0%
% of Baseline Lost to All Interference (10% Limit):	2.8%	2.8%
26A GADSDEN, AL: 200 KW ERP, 352 M HAAT (Maximization of initial allotment in Appendix B)		
Baseline Population From Appendix B:	1,147,000	1,147,000
· Population Lost to NTSC Interference:	22,724	22,724
· Population Lost to Additional DTV Interference:	94	94
· Population Lost to New Interference:	--	0
Total Population Lost to All Interference:	22,818	22,818
% of Baseline Lost to New Interference (2% Limit):	--	0.0%
% of Baseline Lost to All Interference (10% Limit):	2.0%	2.0%
25A FORT WALTON BEACH, FL: 50 KW ERP, 60 M HAAT		
Baseline Population From Appendix B:	155,000	155,000
· Population Lost to NTSC Interference:	216	216
· Population Lost to Additional DTV Interference:	0	0
· Population Lost to New Interference:	--	192
Total Population Lost to All Interference:	216	408
% of Baseline Lost to New Interference (2% Limit):	--	0.1%
% of Baseline Lost to All Interference (10% Limit):	0.1%	0.3%
25A FORT WALTON BEACH, FL: 200 KW ERP, 60 M HAAT (Maximization of initial allotment in Appendix B)		
Baseline Population From Appendix B:	155,000	155,000
· Population Lost to NTSC Interference:	1,487	1,487
· Population Lost to Additional DTV Interference:	0	0
· Population Lost to New Interference:	--	545
Total Population Lost to All Interference:	1,487	2,032
% of Baseline Lost to New Interference (2% Limit):	--	0.4%
% of Baseline Lost to All Interference (10% Limit):	1.0%	1.3%

FIGURE 5 (Continued)
INTERFERENCE ANALYSIS
OF ALLOTMENT IN INITIAL DTV TABLE
PRESENT CH. 29A PANAMA CITY, FL
WPGX-DT 50 KW 228 M HAAT
PROPOSED CH. 26A PANAMA CITY, FL
WPGX-DT 1,000 KW 228 M HAAT

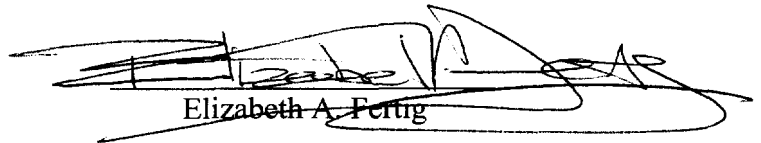
<u>ANALYSIS OF DTV FACILITIES (Current Database):</u>	<u>PRESENT</u>	<u>PROPOSED</u>
26A DAWSON, GA: 50 KW ERP, 329 M HAAT		
Baseline Population From Appendix B:	306,000	306,000
· Population Lost to NTSC Interference:	390	390
· Population Lost to Additional DTV Interference:	0	0
· Population Lost to New Interference:	--	5,812
Total Population Lost to All Interference:	390	6,202
% of Baseline Lost to New Interference (2% Limit):	--	1.9%
% of Baseline Lost to All Interference (10% Limit):	0.1%	2.0%
26A DAWSON, GA: 200 KW ERP, 329 M HAAT (Maximization of initial allotment in Appendix B)		
Baseline Population From Appendix B:	306,000	306,000
· Population Lost to NTSC Interference:	1,258	1,258
· Population Lost to Additional DTV Interference:	0	0
· Population Lost to New Interference:	--	3,764
Total Population Lost to All Interference:	1,258	5,022
% of Baseline Lost to New Interference (2% Limit):	--	1.2%
% of Baseline Lost to All Interference (10% Limit):	0.4%	1.6%
26A MERIDIAN, MS: 50 KW ERP, 177 M HAAT		
Baseline Population From Appendix B:	150,000	150,000
· Population Lost to NTSC Interference:	756	756
· Population Lost to Additional DTV Interference:	0	0
· Population Lost to New Interference:	--	0
Total Population Lost to All Interference:	756	756
% of Baseline Lost to New Interference (2% Limit):	--	0.0%
% of Baseline Lost to All Interference (10% Limit):	0.5%	0.5%
26A MERIDIAN, MS: 200 KW ERP, 177 M HAAT (Maximization of initial allotment in Appendix B)		
Baseline Population From Appendix B:	150,000	150,000
· Population Lost to NTSC Interference:	542	542
· Population Lost to Additional DTV Interference:	0	0
· Population Lost to New Interference:	--	0
Total Population Lost to All Interference:	542	542
% of Baseline Lost to New Interference (2% Limit):	--	0.0%
% of Baseline Lost to All Interference (10% Limit):	0.4%	0.4%

CERTIFICATE OF SERVICE

I, Elizabeth A. Fertig, a secretary in the law firm of Gardner, Carton & Douglas, certify that I have this 22nd day of December, 1999, caused to be sent by first-class U.S. mail, postage-prepaid, a copy of the foregoing Comments of Emmis Television License Corporation of Mobile, to the following:

Lawrence Bernstein, Esquire
Law Offices of Lawrence Bernstein
1818 N Street, N.W., Suite 700
Washington, D.C. 20036

Ms. Pam Blumental
Video Services Division
Mass Media Bureau
Federal Communications Commission
445 12th Street, S.W., Room 2-A762
Washington, D.C. 20554
(via hand delivery)



Elizabeth A. Fertig